

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

RICHEL NASH, an individual,

Plaintiff,

v.

JO-ANN STORES, LLC, a
corporation, and DOES 1-100,
inclusive,

Defendants.

No. 2:24-cv-02222

Order GRANTING IN PART
AND DENYING IN PART Richel
Nash's Motion for Remand and
Request for Attorneys' Fees (Dkt.
20)

Defendant Jo-Ann Stores, LLC removed this action under 28 U.S.C. § 1441(b) and 28 U.S.C. § 1332. Dkt. 1 (NOR). Plaintiff Richel Nash moves for remand and requests attorneys' fees and costs. Dkt. 20 (Mot.). The Court deems this matter appropriate for decision without oral argument. See Fed. R. Civ. P. 78; Local Rule 7-15. [The hearing set for January 13, 2025 is removed from the Court's calendar.]

Nash stipulates that she "will not seek or accept any amount in excess of \$74,999 in this action." Dkt. 20-3 ¶ 5. Jo-Ann Stores does not oppose remand per Nash's stipulation. Dkt. 22 (Opp'n) at 2. Jo-Ann Stores opposes only Nash's request for attorneys' fees and costs, arguing that removal was objectively reasonable. Opp'n at 2. The Court agrees.


There is complete diversity here because Nash, who is a citizen of California, does not dispute that none of the owners or members of Jo-

Ann Stores are citizens of California. See Johnson v. Columbia Properties Anchorage, LP, 437 F.3d 894, 899 (9th Cir. 2006) (explaining that “an LLC is a citizen of every state of which its owners/members are citizens” for purposes of diversity jurisdiction). And at the time of removal, Nash’s Statement of Damages sought a total of \$1.4 million, well over the \$75,000 jurisdictional minimum. See NOR ¶ 12. Because there are no “unusual circumstances warrant[ing] a departure from the” general rule that courts may award attorneys’ fees “only where the removing party lacked an objectively reasonable basis for seeking removal[,]” the Court denies Nash’s request for fees. Martin v. Franklin Cap. Corp., 546 U.S. 132, 141 (2005).

The motion for remand is GRANTED and the request for attorneys’ fees and costs is DENIED.

IT IS SO ORDERED.

Date: January 7, 2025


Honorable Dale S. Fischer
United States District Judge